REMARKS

In response to the above-identified Office Action, the Applicants submit the below remarks and respectfully request reconsideration thereof, as amended, in light of these remarks. In this response, claims 1 and 14 have been amended. Claim 20 has been added. Therefore, claims 1-20 are currently pending. In view of the foregoing amendments and remarks, Applicants respectfully submit that the pending claims are in condition for allowance.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact James C. Scheller at (408) 720-8300.

35 U.S.C. 103(a) Rejections

The Examiner rejected claims 1-19 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,469,693 (hereinafter Chiang) in view of U.S. Patent 5,956,018 (hereinafter Pejic). The Applicants respectfully traverse this rejection for the reasons set out below.

Claim 1 includes a limitation of a base member of a computer mouse having hold regions. The Examiner contends that all of the limitations of claim 1 are found in the combination of Chiang in view of Pejic. However, Pejic teaches against a combination with Chiang. The device taught by Chiang is a simplified mouse device (Col. 1, lines 42-44). Pejic is directed toward a device to be used as an alternative for a computer mouse. The device taught by Pejic is meant to be gripped and held away from a computer while it is being used (Col. 5, lines 30-42). Pejic teaches the disadvantages of using a mouse, which include inducing eyestrain and fatigue (Col. 1, lines 22-30), and teaches an alternative to a mouse. Because Pejic teaches the disadvantages of and an alternative to computer mice, and because Chiang teaches a computer mouse, Pejic teaches away from and does not suggest a combination with Chiang. As a result, claim 1 is patentable over Chiang in view of Pejic.

Claim 1 also includes a limitation of a top member pivotally coupled to a base member. Neither Chiang nor Pejic teach such a limitation. Instead, Chiang teaches a mouse that has a top and bottom that can be attached to one another without of the use of external fasteners (Col. 4, lines 53-55). The mouse is assembled by hinging the top and bottom together at one end of the mouse, and then closing and securing the assembly by inserting a hook into a slotted retainer at the other end of the mouse (Col. 4, lines 52-67). In Chiang, once the mouse is assembled, its top and bottom are stationary and do not move relative to each other because the hook and slotted retainer configuration hold the top and bottom together and prevent movement. Therefore, Chiang cannot be said to teach a top member pivotally coupled to a base member, and claim 1 is patentable over Chiang in view of Pejic.

Regarding claim 2, claim 2 adds a limitation to claim 1 wherein the top member does not include a separate button. Neither Chiang nor Pejic teach such a limitation. As can be seen in Figures 1 and 2 of Chiang, a mouse includes two buttons, 20 and 22, which are separate from the top of the mouse 12. Chiang teaches that the buttons are to be depressed with respect to the top upon finger activation and are attached to the top using U-shaped hinges (Col. 2, lines 15-17, Col. 3, lines 9-13). Because the buttons are depressable with respect to the top, Chiang teaches a mouse including a separate button where the button is not an integral part of the upper housing. As a result, Chiang does not teach where a top member does not include a separate button, and claim 2 is patentable over Chiang in view of Pejic.

Independent claim 9 includes the limitation of a first and second side ears concurrently graspable to lift a *computer mouse*. As above, Pejic teaches away from a combination with Chiang by teaching the disadvantages of using computer mice (Col. 1, lines 22-31). Therefore, claim 9 is patentable over Chiang in view of Pejic.

Further, claim 9 includes the limitation of a button being a top housing of a computer mouse. Neither Chiang nor Pejic teach such a limitation. Rather, Chiang

teaches a computer mouse having buttons that are separate from, and depressable with respect to the top of a mouse (see Figure 1, elements 20 and 22, Col. 2, lines 15-17, Col. 3, lines 9-13). Therefore, Chiang cannot be said to teach a button in a top housing of a computer mouse and claim 9 is patentable over Chiang in view of Pejic.

Claim 14 teaches a base of *a computer mouse* having a first fixed portion and a second fixed portion. As above, Pejic teaches against the combination with Chiang as Pejic teaches that using a computer mouse is disadvantageous (Col. 1, lines 22-31). As a result, Pejic teaches away from a combination of Chiang in view of Pejic, and claim 14 is patentable over Chiang in view of Pejic.

Further, claim 14 includes a limitation of a depressable housing coupled to a base. Neither Chiang nor Pejic teach such a limitation. Chiang instead teaches, as noted above, that a top of a mouse is fastened to a base of the mouse and is fixed once the mouse is assembled (Col. 4, lines 53-67). Further, Chiang teaches buttons formed in the top of the mouse that are depressable relative to the top, the top being stationary, and therefore cannot be said to teach a depressable housing (Col. 2, lines 15-17). Therefore, claim 14 is patentable over Chiang in view of Pejic.

The remaining claims are all dependent from previously discussed independent claims. Therefore, the remaining dependent claims include the limitations disclosed in the independent claims. As a result, claims 3-8, 10-13 and 15-20 are patentable over Chiang in view of Pejic.

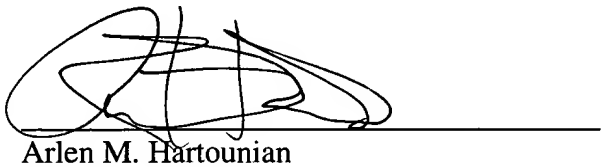
Deposit Account Authorization

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicants hereby request such an extension.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: February 13, 2003



Arlen M. Hartounian
Reg. No. P52,997

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025-1026
(408) 720 – 8300

VERSION TO SHOW MARKINGS OF CHANGES MADE

Please amend the following claims.

1. (Amended) A computer mouse comprising:

a base member of said computer mouse having hold regions;

a top member pivotally coupled to said base member, said top member having a main surface configured to leave said hold regions substantially exposed;

wherein said top member forms an integral housing and button.

14. (Amended) A computer mouse comprising:

a base of said computer mouse having a first fixed portion and a second fixed portion;

a depressable housing coupled to said base such that said base is covered by said housing;

wherein said first and second fixed portions are accessible through said depressable housing when said depressable housing is depressed.